

TITLE 191
LEGISLATIVE RULE
FAMILY PROTECTION SERVICES BOARD

SERIES 3
BATTERER INTERVENTION AND PREVENTION PROGRAMS LICENSURE STANDARDS

§191-3-1. General.

1.1. Scope -- This rule establishes general standards and procedures for licensed batterer intervention and prevention programs as specified in W. Va. Code §48-26-403 and the Code of State Rules, Title 191-Series 1. The West Virginia Code is available in public libraries and on the Legislature's web page at <http://www.legis.state.wv.us/>.

1.2. Authority. -- W. Va. Code§48-26-403.

1.3. Filing Date. -- May 4, 2015.

1.3. Effective Date. -- May 5, 2015.

§191-3-2. Definitions.

2.1. "Board" means the Family Protection Services Board.

2.2. "Facilitator" means an individual who meets the minimum requirements outlined in Section 3.3. of this rule and who directly facilitates regularly scheduled classes for batterer of domestic violence.

2.3. "Power and Control" means the primary cause that gives rise to the occurrence of domestic violence and family violence. Factors such as alcohol, poverty, unemployment, stress, and substance abuse are conditions that contribute to the incidents of domestic violence and family violence but are not themselves the cause of domestic and family violence.

2.4. "Batterer intervention and prevention program", previously referred to as a program of intervention for perpetrators, means a licensed educational program that provides classes to individuals who commit acts of domestic violence or abuse, offering nonviolent strategies and values that promote respect and equality in intimate partner relationships.

2.5. "Intimate partner" means a current or former spouse, a person with whom one shares a child in common, a person with whom one is cohabiting or has cohabited, or a person with whom one is or has been in a relationship of a romantic or intimate nature.

§191-3-3. Licensing Standards for Batterer Intervention and Prevention Programs.

3.1. Batterer intervention and prevention program requirements include the following:

3.1.a. A batterer intervention and prevention program shall have a written statement of purpose identifying the types of programming and the individuals eligible to receive services. The statement of purpose shall be available to the public upon request.

3.1.b. The program shall have written policies regarding class fees and collection procedures.

3.1.c. The sponsoring agency of a batterer intervention and prevention program shall provide for appropriate class meeting space.

3.1.d. A batterer intervention and prevention program shall have a written description of its referral process, admission policies, exit interview process, and follow-up procedures.

3.1.e. A batterer intervention and prevention program shall employ or contract with staff to cover the following areas: class facilitation; administration and supervision of the program; program direction to provide overall development; coordination of personnel; volunteer activities; case supervision; direct services; record keeping; and community education activities. Volunteers may also be used for class facilitation.

3.1.f. A batterer intervention and prevention program shall make available and display the address and telephone number of the Domestic Violence Services Complaint Toll Free Number at all locations.

3.2. Program Oversight.

3.2.a. A batterer intervention and prevention program shall be governed by a board of directors which shall be responsible for and have authority over the policies and activities of the program, and which is broadly representative of the community served.

3.2.b. Batterer intervention and prevention programs governed by community criminal justice boards shall provide proof of compliance with special conditions and assurances of Division of Justice and Community Services (DJCS) funding sources.

3.2.c. Non-profit agencies sponsoring batterer intervention and prevention programs shall have:

3.2.c.1. articles of incorporation;

3.2.c.2. 501c(3) Non-profit status;

3.2.c.3. a board of directors; and

3.2.c.4. written by-laws

3.2.d. The board of directors shall adopt, and review on a bi-annual basis, written by-laws and policies that define the powers and duties of the governing body, its committees, the executive director(s), and

advisory group, where one exists. Copies of the articles of incorporation (if applicable) and the by-laws shall be maintained by the board of directors.

3.2.e. The board of directors is responsible for ensuring the program's continual compliance and conformity with terms and conditions of all funding sources.

3.2.f. The board of directors shall designate an individual or individuals to coordinate and manage the affairs of the batterer intervention and prevention program effectively and to submit a written programmatic and financial report at each board meeting.

3.2.g. Every member of the board of directors shall disclose in writing any financial transactions with the program in which any member of the board or her or his immediate family is involved.

3.2.h. The board of directors shall meet at a minimum on a quarterly basis and shall keep written minutes of all meetings, including attendance and whether or not a quorum was present.

3.2.i. The board of directors shall maintain a current listing of its members, including the name, the position, and the term of membership (if applicable) for each member.

3.2.j. The board of directors shall ensure that the program is adequately funded and fiscally sound. To this end, the board of directors is responsible for the following:

3.2.j.1. Reviewing and approving the program's annual budget;

3.2.j.2. Providing for an annual audit of all accounts by an independent certified public accountant who is neither an employee of the program nor a member of the board of directors;

3.2.j.3. Monitoring disbursement of all funds on a quarterly basis to assure that they are made in accordance with the program's objectives as specified by the board of directors;and

3.2.j.4. Assuring that the program maintains liability insurance for employees, volunteers, and members of the board of directors.

3.2.k. The batterer intervention and prevention program's board of directors shall adopt and monitor implementation of written personnel policies that shall, at a minimum:

3.2.k.1. Pertain to all paid and volunteer staff;

3.2.k.2. Specify actions that will be taken by the agency if the batterer intervention and prevention program personnel fails to comply with employee, contractor or volunteer policies, including written notification of the nature of misconduct or poor performance, the discipline being taken, the effective date of the discipline, future consequences for reoccurrence, and appeal rights. The policy shall allow the batterer intervention and prevention program personnel the opportunity to respond to the charges of misconduct or poor performance before a disciplinary decision is made.

3.2.k.3. Include written job descriptions and position qualifications for each position within the batterer intervention and prevention program; and

3.2.k.4. Set forth, in written form, rules of conduct for batterer intervention and prevention program personnel.

3.3. Staff Qualifications

3.3.a. Facilitators shall have a minimum of 30 hours of training approved by the Board, including, but not be limited to, the following:

3.3.a.1. The dynamics of domestic violence within the context of power and control;

3.3.a.2. The effects of domestic violence on victims and their children and the critical nature of victim contacts and safety planning;

3.3.a.3. The understanding that domestic violence is deeply rooted in historical attitudes toward women and other learned oppressive attitudes and behaviors.

3.3.a.4. The risks of homicide, suicide, further domestic violence or other violent aggressive behaviors and the access to or use of weapons.

3.2.a.5. Information on state and federal laws pertaining to domestic violence, including the policies affecting court-ordered program participants, orders of protection, child abuse, divorce and custody matters;

3.3.a.6. The role of the facilitator in the context of a coordinated community response to domestic violence;

3.3.a.7. Educating batterers on alternatives to violence and promoting healthy relationships based on equality and respect.

3.3.a.8. Dynamics involved in interpersonal relationships and knowledge of human behavior and development.

3.3.a.9. Understanding and preventing collusion.

3.3.a.10. Group process and facilitation skills training.

3.3.b. Facilitators shall have at a minimum a high school diploma or high school equivalency diploma.

3.3.c. Facilitators shall receive on an annual basis a minimum of three (3) hours of continuing education or training approved by the Board. The training shall include, but not be limited to, the following:

- 3.3.c.1. Domestic violence and substance abuse.
- 3.3.c.2. Domestic violence and the law;
- 3.3.c.3. Other issues which pertain to domestic violence.
- 3.3.c.4. Awareness and understanding of diversity and cultural differences;
- 3.3.c.5. Group process and facilitation skills training.

3.4. Quality Assurance - Programs shall have a formal procedure to evaluate, on an annual basis, all persons providing services for the batterer intervention and prevention program.

3.5. Intake - Criteria concerning a batterer's appropriateness for the program.

3.5.a. A batterer shall be admitted to a batterer intervention and prevention program if ordered by a court or referred by a government agency to the program, and is assessed by the program to be eligible for participation. Each program shall have the discretion to accept self-referrals. An assessment shall be performed to:

3.5.a.1. Identify individuals who would benefit from concurrent mental health or substance abuse treatment programs.

3.5.a.2. Screen out those individuals from the program who have substance abuse problems or other impairments which make them unable to participate in the group intervention even with concurrent or preliminary treatment of those problems;

3.5.a.3. Screen out those individuals from the program who may be dangerous or have severe mental illness and would not benefit from the program.

3.5.b. Upon admittance to a batterer intervention and prevention program, the program facilitator shall complete a batterer intake form. The information shall be collected from the batterer and from independent sources that may include police reports and court records.

3.5.c. A batterer intervention and prevention program shall have a contract outlining the responsibilities of the batterer and the facilitator. The terms of the contract will be agreed to and signed by the batterer and the authorized program representative.

3.5.d. The contract shall require completion of at least 32 sessions.

3.6. Contact with Victims.

3.6.a. Contact with victims shall come from a licensed domestic violence program and all information for contacting the victim shall remain with a licensed domestic violence program, unless expressly provided otherwise by agreement between the licensed batterer intervention and prevention program and the licensed domestic violence program as defined in the memorandum of understanding between the batterer intervention and prevention program and the licensed domestic violence program.

3.6.b. In the event the contact of the victim and/or partner is done by the batterer intervention and prevention program personnel, they shall provide written information to the licensed domestic violence program, including the date and contact information.

3.6.c. Victim and/or partner contact procedures may also include informing the batterer's victim and/or partner of class commencement and termination dates, and a duty to warn the victim and/or partner of any imminent danger from the batterer. Victims and/or partners may also receive written materials about the batterer's class, detailing the limitations of the class's effectiveness, the fact that the class is not intended to salvage relationships, and the necessity for victims to maintain a safety plan.

3.7. Participant Records and Program Plans.

3.7.a. A batterer intervention and prevention program shall maintain a written record for each individual who receives services from the program. The plan or contract shall be developed by program staff with the active participation of the participant and must be completed prior to the provision of services.

3.7.b. Individual participant records shall include service data from the time of initial contact until the time the program is concluded.

3.7.c. Individual participant case records maintained by a batterer intervention and prevention program shall contain an application form, which includes identifying data, eligibility factors pursuant to section 3.5. of this rule, rights and responsibilities, participant signature and authorized staff signature.

3.7.d. A batterer intervention and prevention program shall maintain, if possible, a copy of orders of protection issued against a batterer enrolled in the batterer intervention and prevention program.

3.8. Confidentiality.

Every batterer intervention and prevention program shall have a written policy regarding disclosure of information to the individual or individuals named in any orders of protection which ordered the batterer to the program. There shall be a written agreement between the batterer and the program providing for disclosure of information to the victim and a waiver of confidentiality. The disclosure agreement shall be signed by the batterer.

3.8.a. Nothing in these rules prohibits a batterer intervention and prevention program from reporting suspected abuse or neglect, as defined by law, when the program is mandated by law to report suspected abuse or neglect. A batterer intervention and prevention program shall not be responsible to maintain confidentiality about the batterer in any proceeding brought under W. Va. Code sections four and five, article six, chapter nine

or article six, chapter forty-nine or as mandated by article six-a, chapter forty-nine and article six, chapter nine.

3.8.b. Batterer intervention and prevention program participants shall authorize the release of information by signing the following releases:

3.8.b.1. Allowing the provider to inform the victim or alleged victim and the victim's advocates that the batterer is participating in a batterer intervention and prevention program with the provider and to provide information to the victim or alleged victim and her or his advocates, if necessary, for the victim's or alleged victim's safety;

3.8.b.2. Allowing prior and current service providers to provide information about the batterer to the provider;

3.8.b.3. Allowing the provider, for good cause, to provide information about the batterer to relevant legal entities, including courts, parole officers, probation officers, child protective services, adult protective services, law enforcement, licensed domestic violence programs, or other referral agencies;

3.8.b.4. Allowing the provider to report to the court, if the participation was court ordered, and to the victim or alleged victim, if she or he requests and provides a method of notification, and to his or her advocate, any assault, failure to comply with program requirements, failure to attend the program, threat of harm by the batterer, reason for termination and recommendations for changes in the court order; and

3.8.b.5. Allowing the provider to report to the victim or alleged victim, or his or her advocate, without the participant's authorization, all perceived threats of harm, the participant's failure to attend and reason for termination.

3.8.b.6. The release of a victim's personally identifying information is subject to the provisions of 42 U.S.C. § 13925(b)(2).

3.9. Reports

The batterer intervention and prevention program shall provide a monthly report to a licensed domestic violence program or programs. This report shall contain the batterer's attendance record, compliance with program rules, and class completion or termination. If the batterer's participation is court ordered, this report shall also be forwarded to all appropriate supervising entities. In the event that a referral is deemed ineligible for the batterer intervention and prevention program, the referral source will be notified in writing of the reason for non-acceptance.

3.10. Batterer Intervention and Prevention Program Classes.

3.10.a. A batterer intervention and prevention program class shall last for a period of at least thirty-two in-person sessions with each session including at least ninety minutes of instruction time and shall include, but not be limited to, the following topics:

3.10.a.1. A model that depicts an overall system of physical, sexual, and emotional abuse where the batterer uses methods and tactics to maintain power and control over a victim.

3.10.a.2. The nature and effects of domestic violence;

3.10.a.3. The work that is necessary to bring about changes in the attitudes and beliefs that promote domestic and family violence.

3.10.a.4. The necessity for the maintenance of non-abusive behavior which includes learning non-violent conflict resolution, non-aggressive communication, and maintaining positive, healthy partnerships;

3.10.a.5. The importance of community services which allows batterers to give something of themselves back to the community and contribute to changing the climate that condones domestic and family violence;

3.10.a.6. Information about legal/social consequences of domestic violence.

3.10.b. The participant shall pay a fee for the batterer intervention and prevention program classes, unless waived by the program. The fee scale shall be determined by the batterer intervention and prevention program.

3.10.c. Facilitators of batterer intervention and prevention programs shall utilize a group education format with a staff ratio at a minimum of one (1) facilitator per twelve (12) batterers.

3.11. Interagency Cooperation.

A batterer intervention and prevention program shall initiate a written memorandum of understanding with a licensed domestic violence program. The memorandum of understanding shall be agreed upon and signed by both parties and a copy shall be sent to the Board. The memorandum of understanding shall include, but not be limited to the following:

3.11.a. Identification of liaison persons involved in the meeting to develop the memorandum of understanding;

3.11.b. Description of the formal process for exchanging information between agencies including safeguards for protecting victim safety and methods for victim contact;

3.11.c. Description of the batterer intervention and prevention program's process of submitting monthly reports to the licensed domestic violence program;

3.11.d. Description of coordination, if any, of program plans;

3.11.e. Description of the process and timetables for the annual batterer intervention and prevention program evaluation;

3.11.f. Procedures for amending and or evaluating the memorandum of understanding annually with procedures for documentation of the date of this review.

3.12. Batterer's Intervention and Prevention Program Annual Data.

By September 30 of each year, a batterer intervention and prevention program shall complete and submit data to the Board, to include but not be limited to the following data for the most recent fiscal year:

3.12.a. Attendance records of batterer(s) including reason(s) for repeated absences and average class attendance;

3.12.b. Number of individuals enrolled, number court ordered and number completing the program;

3.12.c. Number of and reason for termination without class completion;

3.12.d. Demographic information;

3.12.e. Types of referral sources;

3.12.f. Counties served and location of class sites;

3.12.g. Number of batterer intervention and prevention program classes provided.

3.12.h. Number of months in operation

3.12.i. Contact information for all current facilitators.

3.13. Americans with Disabilities Act Compliance.

All Batterer's Intervention and Prevention Programs licensed pursuant to this rule which own or lease buildings shall be in compliance with Title III of the Americans with Disabilities Act requirements or make arrangements to accommodate individuals with special needs.

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